

By: Thompson of Harris

H.B. No. 4661

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on sexual harassment by lobbyists.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 305.002, Government Code, is amended by adding Subdivision (15) to read as follows:

(15) "Sexual harassment" means an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if:

(A) submission to or rejection of the advance, request, or conduct by an individual is used as the basis for a decision by a registrant in making an expenditure authorized under this chapter or under Title 15, Election Code;

(B) the advance, request, or conduct has the purpose or effect of unreasonably interfering with an individual's work performance at the legislature; or

(C) the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment in the legislature.

SECTION 2. Subchapter A, Chapter 305, Government Code is amended by adding Section 305.0031 to read as follows:

Sec. 305.0031. SEXUAL HARASSMENT TRAINING REQUIRED. (a) Each person required to register under this chapter shall complete a sexual harassment training program that is approved by the commission not later than the 30th day after the date a registrant

1 files an initial registration under Section 305.005. A registrant  
2 is required to complete a subsequent approved training program not  
3 later than each biennial anniversary of the date the registrant  
4 was initially required to complete the training under this section.

5 (b) The commission may approve a program created or  
6 otherwise made available by the either house of the legislature to  
7 its members, officers, and employees as the program under  
8 subsection (a).

9 (c) A program approved under this section must provide a  
10 registrant with written evidence of completion. A registrant must  
11 file the written evidence with the commission to satisfy the  
12 requirements of subsection (a).

13 SECTION 3. Subchapter B, Chapter 305, Government Code is  
14 amended by adding Section 305.0281 to read as follows:

15 Sec. 305.0281. SEXUAL HARASSMENT BY REGISTRANT. (a) A  
16 registrant may not engage in conduct that constitutes sexual  
17 harassment of a member, officer, or employee of either house of  
18 the legislature.

19 (b) A violation of this section is a Category Two violation  
20 under Subchapter E, Chapter 572.

21 (c) Notwithstanding a requirement of Subchapter E, Chapter  
22 572, to the contrary, the commission must complete its review and  
23 conduct a formal hearing, which may be conducted by electronic  
24 means, on a complaint alleging a violation of this section not  
25 later than 180th day after the date the complaint was filed.

26 (d) The provisions of Section 571.139(a)-(b) relating to the  
27 processing, preliminary review, preliminary review hearing, or

1 resolution of a sworn complaint or motion, including documents or  
2 any additional evidence relating thereto, apply to a formal hearing  
3 on a complaint alleging a violation of this section and documents  
4 and any additional evidence relating thereto.

5 SECTION 4. Section 571.174, Government Code is amended to  
6 read as follows:

7 Sec. 571.174. DENIAL, SUSPENSION, OR REVOCATION OF LOBBYIST  
8 REGISTRATION. (a) The ~~[After a criminal conviction for an offense~~  
9 ~~under Chapter 36 of the Penal Code or under Chapter 305, the]~~  
10 commission may deny, suspend, or revoke the registration of a  
11 person required to be registered under Chapter 305:

12 (1) upon entry of an order finding that the person violated  
13 305.0281; or

14 (2) after a criminal conviction for an offense under Chapter  
15 36 of the Penal Code or under Chapter 305.

16 (b) If a person required to be registered under Chapter 305  
17 is charged with an offense under Sections 22.011, 22.012, or  
18 22.021, Penal Code, the executive director shall temporarily  
19 suspend or restrict the person's registration for a period not to  
20 exceed 90 days. The commission must conduct a hearing, which may  
21 be conducted by electronic means, not later than the 90th day after  
22 the date of the temporary suspension to determine whether the  
23 suspension or restriction should be continued.

24 SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2021.